

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>FRANCIS PERFILIO,</b>	:	
	:	<b>CIVIL ACTION NO. 3:17-1132</b>
<b>Plaintiff</b>	:	
	:	<b>(JUDGE MANNION)</b>
<b>v.</b>	:	
<b>RALPH DEL RUSSO,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

In accordance with the memorandum issued this same day, **IT IS  
HEREBY ORDERED THAT:**

- (1)** The report of Judge Saporito, **(Doc. 10)**, is **ADOPTED IN ITS ENTIRETY.**
- (2)** The plaintiff's letter of August 28, 2017, is construed as a notice of voluntary dismissal pursuant to Fed.R.Civ.P. 41(a)(1)(A)(i) and the instant action is **DISMISSED WITHOUT PREJUDICE.**
- (3)** The defendant's motion to quash, **(Doc. 7)**, is **DISMISSED AS MOOT.**

(4) The Clerk of Court is directed to **CLOSE THIS CASE.**

*s/ Malachy E. Mannion*

**MALACHY E. MANNION**  
**United States District Judge**

**Date: October 12, 2017**

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